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PTO/SB/30 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION
(RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/820,438
<i>Filing Date</i>	03/29/2001
<i>First Named Inventor</i>	J. Guy Breitenbucher
<i>Group Art Unit</i>	1624
<i>Examiner Name</i>	Hong Liu
<i>Attorney Docket Number</i>	ORT 1396

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. Other
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other

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2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
- b. Other

3. Fees - The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0750.
 - i. RCE fee is required under 37 C.F.R. § 1.17(e)
 - ii. Extension of Time (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other
- b. Check in the amount of \$_____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (print/type)	John W. Harbour	Registration No.	31,365
Signature		Date	May 1, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: May 1, 2003

Name (print/type)	John W. Harbour	Date	May 1, 2003
Signature			

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Docket No. ORT-1396

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : J. Breitenbucher et al.
Serial No. : 09/820,438
Filed : March 29, 01
Title : Phenyl Substituted Indoles and Indazoles
Art Unit : 1624
Examiner : L. Hong

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May 1, 2003

(Date of Deposit)

John Harbour

(Name of applicant, assignee, or Registered Representative)

May 1, 2003

(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

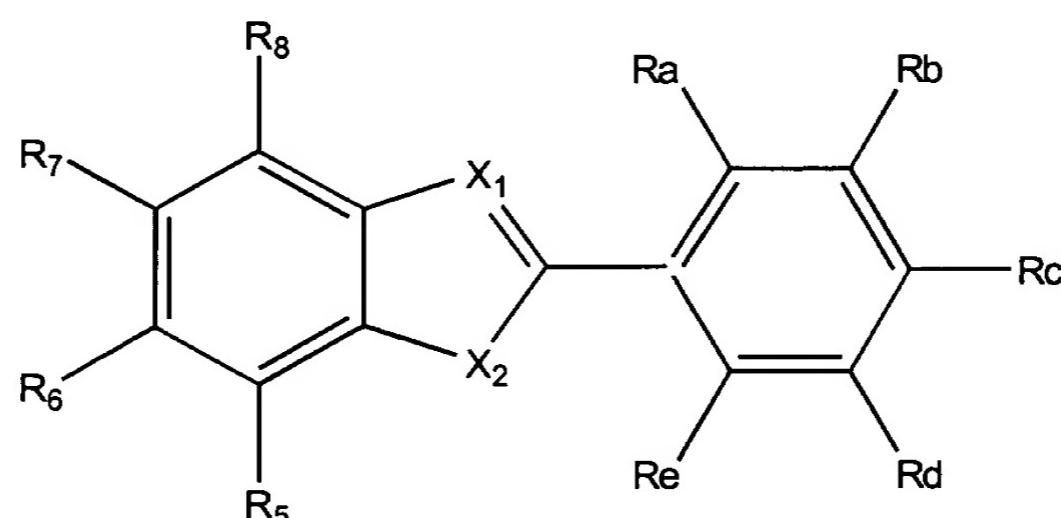
AMENDMENT

Dear Sir:

In response to the Office Action of November 18, 2002, please amend the above-identified application as follows:

In the Claims:

1. (previously and currently amended) A compound of formula (I)(B):



wherein

X₁ is CR₁, wherein R₁ is H, halo, cyano, amino, or nitro; and X₂ is NR₃;